

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HOOPA VALLEY TRIBE,

Plaintiff,

v.

UNITED STATES BUREAU OF
RECLAMATION, et al.,

Defendants.

Case No. 1:20-cv-01814-JLT-EPG

ORDER RE: PARTIES' JOINT STATUS
REPORT

(ECF No. 90)

On August 24, 2022, Westlands Water District (Westlands) re-noticed its motion to intervene. (ECF No. 92, *see* ECF No. 79). As required by the Court's August 15, 2022 order, the parties have submitted filings proposing a briefing schedule on the motion. (ECF Nos. 91, 93, 94, 95).

The Federal Defendants state that they do not plan to brief the intervention issue but suggest that the Court should stay briefing on intervention until after Plaintiff files an amended complaint¹ or is denied leave to do so. (ECF No. 93).

Westlands agrees with the Federal Defendants that briefing on intervention should be stayed until after Plaintiff files an amended complaint or is denied leave to do so and adds that, if Plaintiff files an amended complaint, within twenty-eight days it be permitted to "file or re-notice

¹ As noted in the Court's August 15, 2022 order, Plaintiff has until October 31, 2022 to file a motion for leave to amend. (ECF No. 91, p. 2).

1 its motion to intervene, with response briefs due in accordance with Local Rule 230(c),” and “[i]f
2 any substantive motion or motions are filed before the Court decides Westlands’s motion to
3 intervene, briefing on such motion or motions should be suspended until the Court decides
4 Westlands’s motion to intervene, and the parties should thereafter be ordered to propose a
5 briefing schedule to address the pending substantive motion or motions.” (ECF No. 94, p. 3).

6 Plaintiff agrees that briefing on intervention should be stayed until Plaintiff files an
7 amended complaint or is denied leave to do so, but proposes that, if Plaintiff is permitted to file
8 an amended complaint, within twenty-eight days Westlands may file or re-notice its motion to
9 intervene based on that complaint, with response briefs due twenty-one days thereafter and reply
10 briefs due fourteen days after the responses. (ECF No. 95). And if the Court denies leave to
11 amend, the response briefs to the pending motion to intervene be due twenty-one days after the
12 order denying leave to amend and reply briefs due fourteen days after the responses.

13 Having reviewed the parties’ positions on briefing, the Court will adopt the proposal
14 offered by Plaintiff. Accordingly, IT IS ORDERED, as follows:

- 15 1. Briefing on Westlands’s motion to intervene (ECF No. 92) is stayed.
- 16 2. If Plaintiff is granted leave to file an amended complaint, Westlands has 28 days from the
17 order granting leave to file an amended complaint to file or re-notice its motion to
18 intervene. Response briefs are due 21 days thereafter, and reply briefs are due fourteen
19 days after the responses.
- 20 3. If Plaintiff is denied leave to file an amended complaint, response briefs to the pending
21 motion to intervene are due 21 days after the order denying leave to amend, and reply
22 briefs are due fourteen days after the responses.

23 IT IS SO ORDERED.

24 Dated: September 5, 2022

25 /s/ Eric P. Gray
26 UNITED STATES MAGISTRATE JUDGE
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